

EXHIBIT 3

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Attorneys for Plaintiff, VSolvit LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VSOLVIT LLC, a Nevada limited liability
company

Plaintiff,

v.

SOHUM SYSTEMS, LLC, a Kansas limited
liability company

and

CREATIVE INFORMATION
TECHNOLOGY, INC., a Maryland
corporation,

Defendants.

Case Number 2:23-cv-00454-JAD-DJA

DECLARATION OF JOAN BISH

1 I, Joan Bish, on oath, depose and state as follows:

2 1. I am an adult resident of Illinois, eighteen years of age or older at the time of this
3 writing, and I am competent to testify as to the matters herein as set forth based on my own
4 personal knowledge.

5 2. I am employed by Plaintiff, VSolvit, LLC, as a Proposal Manager. In that role, I
6 am VSolvit's exclusive Proposal Manager for the United States Department of Agriculture
7 ("USDA") FPAC Farm Programs Software Delivery ("Beech") Program.

8 3. In my role as Proposal Manager, I was integrally involved in VSolvit's pre-
9 proposal efforts, and I am currently integrally involved in VSolvit's efforts to prepare a proposal
10 to respond to the Beech Request for Proposals ("RFP").

11 4. In my role as Proposal Manager, I also have been involved in communications
12 with VSolvit's teaming partners throughout the Beech pre-proposal preparations, including
13 Sohumi Systems, LLC ("Sohumi"), Creative Information Technology, Inc. ("CITI"), and Science
14 Applications International Corporation ("SAIC").

15 5. The Beech RFP is expected to be released as a task order under the Chief
16 Information Officer – Solutions and Partners 3 Small Business multiple-award contract vehicle
17 ("CIO-SP3 SB").

18 6. With regard to Beech, VSolvit executed a teaming agreement with Sohumi and
19 CITI on June 13, 2022.

20 7. Prior to executing the teaming agreement, both Sohumi and CITI were aware that
21 VSolvit was "other than small" given other prior contractual dealings, the terms for which were
22 impacted by each party's size status.

23 8. On March 10, 2023, the USDA issued a draft Beech RFP. It is expected that the
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1 official RFP will be released imminently, likely within the next week.

2 9. A true and accurate copy of the draft Beech RFP is appended to VSolvit's Reply
3 Brief as Exhibit 4.

4 10. I have reviewed the draft Beech RFP in its entirety.

5 11. The draft Beech RFP does not require offerors to recertify their size for Beech.

6 12. At the time VSolvit entered into a teaming agreement with Sohum and CITI, only
7 VSolvit held a CIO-SP3 SB contract.

8 13. Sohum never informed me or any member of the proposal team that it was
9 pursuing an acquisition of a CIO-SP3 SB contract vehicle in order to serve as a prime bidder on
10 Beech.

11 14. Beginning in April 2022, VSolvit began discussing win themes for the Beech
12 contract with Sohum and CITI.

13 15. In September 2022, formal pre-proposal work commenced, and preparations for
14 the Beech proposal ramped up.

15 16. Given the importance and complexity of the Beech contract, months of planning
16 and collaboration are required to put forth a quality proposal that has a chance of winning award.

17 17. VSolvit led proposal preparation efforts and contributed significantly to the
18 development of the team's win strategy, including, but not limited to: (a) providing prior
19 experience write-ups on VSolvit contracts and a detailed skill set matrix that outlined VSolvit's
20 strengths and weaknesses in relation to Beech; and (b) developing a new, proprietary key
21 personnel resume template that provides an advantage over competitors by streamlining
22 Government review.

23 18. SAIC proposed a Solutions Team, an integral part of VSolvit's approach, that
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1 allows for an efficient and flexible approach to the support of the portfolio which USDA
2 specifically called out.

3 19. SAIC also provided key personnel resumes and prior experience write-ups on
4 SAIC contracts.

5 20. VSolvit also contributed significantly to a technical outline that documented the
6 VSolvit Team's technical solution, win themes that documented challenges and mitigation
7 strategies, and a staffing plan that outlined team composition, roles and responsibilities.

8 21. On October 6, 2022, VSolvit created a Google share drive for purposes of storing
9 confidential and proprietary information, including proposal-related documents, for Beech.

10 22. As of January 2023, each teaming partner could access VSolvit's confidential and
11 proprietary information in VSolvit's subfolder.

12 23. On February 9, 2023, CITI and Sohumi terminated the parties' teaming agreement
13 and withdrew from the team.

14 24. Thereafter, on March 1, 2023, VSolvit held a virtual meeting to discuss its
15 technical outline. VSolvit had been working on this outline since February 14, 2023 (after CITI
16 and Sohumi's withdrawal). Therefore, VSolvit's technical outline contained confidential and
17 proprietary bid-related information to which CITI and Sohumi did not contribute.

18 25. Despite the withdrawal and termination, Srinivas Moshugu, Sohumi's CEO,
19 accessed VSolvit's technical outline during the meeting. Mr. Moshugu's access to the technical
20 outline was documented during the recorded video meeting by VSolvit's proposal team.

21 26. Concerned with further misappropriation and unauthorized access of VSolvit's
22 confidential and proprietary proposal information, VSolvit conducted an internal audit of the
23 share drive on March 14, 2023. VSolvit found that, after CITI and Sohumi withdrew from the
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1 team, they inappropriately accessed a number of VSolvit confidential and proprietary proposal
2 documents.

3 27. Specifically, from February 9, 2023 to February 15, 2023, Jacob Robertson, a
4 Sohum employee, downloaded a large number of files from the share drive, including, but not
5 limited to, complete and detailed resumes of SAIC key personnel, VSolvit's prior experience
6 write ups, SAIC's prior experience write ups, and VSolvit's detailed skill set matrix.

7 28. Robertson reviewed documents in the share drive again on March 10, 2023.

8 29. Sohum's possession of VSolvit's prior experience write ups and skill set matrix
9 would give Sohum a competitive advantage by knowing what strengths and weaknesses VSolvit
10 has in regard to the Beech procurement, allowing Sohum to counter or copy VSolvit's strengths
11 and call out VSolvit's weaknesses in Sohum's proposal to the USDA.

12 30. The SAIC resumes demonstrate the strength and relevancy of the personnel
13 VSolvit were planning to propose as key personnel. Additionally, VSolvit developed a new key
14 personnel resume template developed from VSolvit's past experiences and feedback from
15 previous procurements. The template displays the resume in a manner not normally received by
16 the government in a way which grants VSolvit an advantage over other companies by taking a
17 different and more efficient approach to streamlining resumes. Sohum's and CITI's access to
18 these documents allows them to copy and implement VSolvit's innovative resume style.

19 31. CITI and Sohum also participated in staffing discussions prior to their withdrawal
20 where the team discussed creating and implementing a Solutions Team, which would be a shared
21 resource used across the entire portfolio, allowing for an efficient and flexible approach to the
22 support of the procurement, which is an area of concern specifically called out by the USDA.

23 32. CITI and Sohum having access to VSolvit's confidential and proprietary
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1 information and being involved in discussions regarding potential solutions to be included in
2 VSolvit's bid puts VSolvit at a competitive disadvantage if it is forced to compete for Beech
3 without CITI and Sohum on its team and particularly if CITI and Sohum are permitted to
4 compete on a different team.

5 33. Indeed, VSolvit is already at a significant disadvantage due to CITI's and
6 Sohum's very late departure from the team, so close to the proposal due date.

7 34. VSolvit's proposal is dependent on the unique team of VSolvit, CITI, Sohum,
8 and SAIC. Each team member has a specific contribution to the overall proposal that makes it
9 impossible to simply replace a team member with a different company, particularly so close to
10 the proposal deadline. Over the course of many months, VSolvit developed a technical solution
11 and win strategy that involved CITI and Sohum, taking into account their unique value
12 proposition of prior experience, past performance, and customer insight.

13 35. For example, teaming with CITI and Sohum would have allowed VSolvit to have
14 a 90% retention rate of incumbent staff performing the work contemplated under the Beech
15 procurement. This is an unparalleled level of insight into an overwhelming majority of the
16 consolidated contracts that make up Beech and would offer the lowest risk to the Government,
17 offering almost no interruption to the current work being performed. Without the staff from CITI
18 and Sohum, this significantly diminishes VSolvit's overall win probability.

19 36. While SAIC does perform some current work for the USDA, it does not perform
20 work under areas that CITI and Sohum do, so SAIC does not have the same insights that CITI
21 and Sohum can provide. Therefore, a team consisting of SAIC and VSolvit alone cannot address
22 how to organize all five programs that were previously performed under separate contracts into
23 working efficiently under one umbrella in a manner as effective as a team with VSolvit, Sohum,
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1 CITI, and SAIC would.

2 37. In this regard, Sohumi and CITI were and are critical to the potential success of
3 the VSolvit team in its bid for the Beech contract. Without Sohumi and CITI's involvement in
4 proposal preparation and contract performance, VSolvit and SAIC will be unable to offer the
5 same level of service to the Government than they could if all four companies were working
6 together.

7 38. Ultimately, a team comprised of VSolvit, Sohumi, CITI, and SAIC offers the best
8 opportunity for award for all involved.

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10 I certify under penalty of perjury that the foregoing statements is true and correct.

11 Executed on this 20th day of April 2023.

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14 Joan Bish
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